

NOTE: This order is nonprecedential.

**United States Court of Appeals  
for the Federal Circuit**

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**ORACLE AMERICA, INC.,**  
*Plaintiff-Appellant*

**v.**

**GOOGLE LLC,**  
*Defendant-Cross-Appellant*

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2017-1118, 2017-1202

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Appeals from the United States District Court for the Northern District of California in No. 3:10-cv-03561-WHA, Judge William H. Alsup.

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Before O'MALLEY, PLAGER, and TARANTO, *Circuit Judges*.

PER CURIAM.

**O R D E R**

Upon consideration of the judgment of the Supreme Court of the United States in *Google LLC v. Oracle America, Inc.*, No. 18-956, reversing and remanding to this court for further proceedings consistent with the opinion of the Supreme Court,

IT IS ORDERED THAT:

- (1) The mandate of this court issued on September 4, 2018 is recalled solely with respect to fair use.
- (2) Appeal No. 2017-1118 is reinstated.
- (3) This court's March 27, 2018 judgment on the question of fair use is vacated.
- (4) The district court's final judgment in favor of Google is affirmed.
- (5) No costs.

FOR THE COURT

May 14, 2021  
Date

/s/ Peter R. Marksteiner  
Peter R. Marksteiner  
Clerk of Court